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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Mark E. Van Dyke

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3334

21586 7590 06/13/2006

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EXAMINER

FUBARA, BLESSING M

ART UNIT

PAPER NUMBER

1618

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION***Election/Restrictions***

Generic claim 1 is directed to a material that comprises proteinaceous pre-polymer having a first reactive group and a synthetic pre-polymer that has second reactive group. The reactive group is vinyl group or thiol group. The synthetic pre-polymer is thermoplastic or thermosets; silicone and the different silicones are recited in claims 64, 65, 66, 67, 68 and 69; the R can be methyl, ethyl, phenyl; X and Y can be methyl or vinyl.

1. This application contains claims directed to the following patentably distinct species: different synthetic pre-polymers, different reactive groups, different R and X and Y. The species are independent or distinct because the silicone recited in claims 64 and 65 differ from the silicone recited in claims 66 and 67 and claims 68 and 69.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 18, 22 and 89 are generic.

Applicants are required to elect a single disclosed material by electing a thermoplastic or thermoset.

If applicants elect thermoplastic synthetic pre-polymer, applicants must further elect a specific thermoplastic pre-polymer. If applicants elect a thermoset, applicants must further elect a specific silicone that is disclosed and claimed in claims 64 and 65 or 66 and 67 or 69 and 69.

Applicants are also required to elect a specific X, Y, and R as is R^1 , R^2 ... R^8 .

Applicants are further requested to elect a wound dressing or medical implant.

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Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. A telephone call was not made to applicants to request an oral election to the above election requirement in view of the complexity of the requirement.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103 (a) of the other invention.

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3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blessing M. Fubara whose telephone number is (571) 272-0594. The examiner can normally be reached on 7 a.m. to 5:30 p.m. (Monday to Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Hartley can be reached on (571) 272-0616. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Blessing Fubara
Patent Examiner
Tech. Center 1600

